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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,002	04/06/2006	Robert Albertus Brondijk	NL 031225	8644

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EXAMINER
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FAAL, BABOUCARR

ART UNIT	PAPER NUMBER
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2189

MAIL DATE	DELIVERY MODE
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12/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,002	BRONDIJK, ROBERT ALBERTUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	BABOUCARR FAAL	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14 and 21-25 is/are rejected.
- 7) ☐ Claim(s) 9, 10, and 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Objections***

1. Claim 10 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only--*, and/or, *-cannot depend from any other multiple dependent claim--*.. See MPEP § 608.01(n).

Accordingly, the claim has not been further treated on the merits.

2. Claim 2 is objected to because of the following informalities: The claim is objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13, 21, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 13, recites the phrase "more preferably." This is indefinite. The examiner is unclear whether the limitation(s) following the phrase are part of the claimed

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invention. If it is the applicants' intent for the optical disc to be a DVD+R, the claims should reflect such.

6. Regarding claim 21, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Claim 25 recites the limitation "the DVD lead-in structure" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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3. Claims 1-8, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art herein AAPA in view of Tsuchiya JP 2000-285609 (translation) herein Tsuchiya.

4. Per claim 1, AAPA discloses: **Medium access device (10) capable of writing information in a logical storage space (LSS) of a storage medium (2) which has a physical storage space (3)** (pg. 2 lines 6-10 and lines 21-25) **comprising two or more layers (L0; L1) of physical storage locations, each storage location (4) having a physical address (PA),** (pg. 2 lines 27-28 ) **the logical storage space (LSS) comprising storage locations within a first one (L0) of said layers and within a subsequent one (L1) of said layers, the storage locations in said logical storage space (LSS) having contiguously numbered logical addresses (LA);** (pg. 2 lines 27-31) **the medium access device (10) having an address limit memory (12) containing at least a value for a parameter LAm<sub>ax</sub> indicating the maximum value of the logical addresses (LA) of the storage locations (4) in the said first storage layer (L0);** (pg. 4 lines 1-3)

5. AAPA does not specifically discloses: **the medium access device (10) comprising means for changing the value in said address limit memory (12)**

6. However, Tsuchiya in an analogous art discloses: **the medium access device (10) comprising means for changing the value in said address limit memory (12)** (pg. 1 claim 1 lines 3-6; discloses changing the layer boundary to coincide with the record data boundary(cell boundary). Per the applicant's specification, the means for changing is a medium access device. Thus, the examiner notes that Tsuchiya discloses

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a means for changing the layer boundary to coincide with the record data boundary (cell boundary) (fig.1 ))

7. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Tsuchiya because Tsuchiya avoids production picture and playback voice to deteriorate during a layer transition (¶0010 & 0011)

8. Per claim 2, AAPA discloses: **adapted to compare the logical address (LA) of the current block with the value of LAm<sub>ax</sub> in its address limit memory (12) while writing in said first storage layer (L0) and, if the result of this comparison shows that the upper limit LAm<sub>ax</sub> has been reached for said first storage layer (L0), to make a transition [step 153] to the first available block in the next storage layer (L1)** (pg. 4 lines 1-3. Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of “capable of” or “adapted to” therefore the prior art is not required to teach the limitation)

9. Per claim 3, AAPA discloses: **store a certain value (LAm<sub>ax</sub>) in its address limit memory (12)** (pg. 4 lines 1-3; disk drive has parameter LAm<sub>ax</sub>. Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of “capable of” or “adapted to” therefore the prior art is not required to teach the limitation)

10. AAPA does not specifically discloses: **write the same value to a predetermined storage location of said storage medium (2)**

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11. However, Tsuchiya discloses: **write the same value to a predetermined storage location of said storage medium (2)** (pg. 1 claim 1 lines 3-6; discloses changing the layer boundary to coincide with the record data boundary(cell boundary))

12. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Tsuchiya for the same reason set forth in the rejection of claim 1.

13. Per claim 4, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

14. Per claim 5, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

15. Per claim 6, AAPA discloses: **the host device (20) being adapted to send data to said medium access device (10), the data containing information to be written on said medium (2) and/or containing instructions for said medium access device (10)**; (pg. 2 lines 4-8. Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of “capable of” or “adapted to” therefore the prior art is not required to teach the limitation.)

16. AAPA discloses a host device but does not specifically discloses: **the host device (20) being adapted to send a limit fix command to said medium access device (10) for instructing said medium access device (10) to store a host-determined value in its address limit memory (12)**

17. However, Tsuchiya discloses: **the host device (20) being adapted to send a limit fix command to said medium access device (10) for instructing said medium**

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**access device (10) to store a host-determined value in its address limit memory**

**(12)** (¶0052 lines 3-6; record data generating equipment generates a layer boundary and store the layer boundary in the disk drive)

18. It would have been obvious to one having ordinary skill in the art at the time of the invention the teachings of AAPA and Tsuchiya for the same reason set forth in the rejection of claim 1.

19. Per claim 7, Tsuchiya discloses: **adapted to send a video signal to said medium access device (10), the host device (20) being capable of evaluating the video signal to be written so as to determine where cell boundaries (34) in this video signal are to be expected [step 221],** (¶0023; Encoding the video and storing the results in hard disk drive; ¶0025 recording data generation equipment generates units according to the contents of the encoded data stream and the objects of the units are cell boundaries(¶0027) Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of “capable of” or “adapted to” therefore the prior art is not required to teach the limitation.) **to calculate a suitable value for said parameter LA<sub>max</sub> such that a block (4) for which it holds that LA=LA<sub>max</sub> corresponds to a cell boundary,** (¶0012 line 3-6; generate LA<sub>max</sub>/layer boundary) **and to send a limit fix command to said medium access device (10) for instructing said medium access device (10) to store said calculated value into its address limit memory (12)** (¶0052 lines 3-6; record data generating equipment generates a layer boundary and stores the layer boundary in the disk drive)



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20. Per claim 8, it contains the same limitation as claim 6 and is rejected for the same reason set forth in connection the rejection of claim 6.

21. Per claims 11 and 12, they contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

22. Per claim 13, Tsuchiya discloses: **wherein said storage medium is an optical disc, preferably a DVD, more preferably a DVD+R, and wherein said medium access device is a disc drive** (§0014 lines 1-2).

23. Per claim 14, it contains the same limitation as claim 6 and is rejected for the same reason set forth in connection the rejection of claim 6.

***Allowable Subject Matter***

24. Claims 9 and 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. Claims 21-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

26. Applicant's arguments filed 9/25/8 have been fully considered but they are not persuasive.

27. Per argument on page 13 lines 8-18, the examiner agrees with the applicant that the desired result of the instant invention is disclosed by the prior art. However, the

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examiner respectfully disagrees with the applicant and notes that Tsuchiya does disclose **the medium access device (10) comprising means for changing the value in said address limit memory (12)** (pg. 1 claim 1 lines 3-6; as noted above)

#### **Remark**

**Examiner respectfully requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist Examiner in prosecuting the application.**

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABOUCARR FAAL whose telephone number is (571)270-5073. The examiner can normally be reached on M-F (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on 5712724204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. F./  
Examiner, Art Unit 2189

/Reginald G. Bragdon/  
Supervisory Patent Examiner, Art Unit 2189